

MINUTES

MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on January 7, 1999 at 3:00 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Ken Miller, Vice Chairman (R)
Sen. John C Bohlinger (R)
Sen. Chris Christiaens (D)
Sen. Dorothy Eck (D)
Sen. Bill Glaser (R)
Sen. Duane Grimes (R)
Sen. Don Hargrove (R)
Sen. J.D. Lynch (D)
Sen. Dale Mahlum (R)
Sen. Jon Tester (D)

Members Excused: None.

Members Absent: None.

Staff Present: Jodi Pauley, Committee Secretary
Mary Vandebosch, Legislative Services Division

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 1, 1/7/1999
Executive Action: None

CHAIRMAN MIKE SPRAGUE asked the local government members to introduce themselves and discuss why they are on the local government committee.

Mary Vandebosch, Legislative Services, explained why local government is important and what services she can provide to the committee.

{Tape : 1; Side : A; Approx. Time Count: 3:30 p.m.}

HEARING ON SB 1

Sponsor: SENATOR DALE MAHLUM, SD 35, Missoula

Proponents:

Mike McMeekin, Missoula Co. Sheriff's Dept.

Greg Noose, Department of Justice

Jim Smith, MT Sheriff and Peace Officers Assoc.

Mike Batista, Department of Justice

Opponents: None

Opening Statements By the Sponsor:

SENATOR DALE MAHLUM, SD 35, Missoula, presented SB 1. This bill is an act amending law enforcement reserve officer residency requirements and adding special service officer category to the laws governing local law enforcement. Entry level requirements are not changed in anyway. Currently, reserve officers, who have completed basic training, cannot remain with their original organization even if they move to a contiguous or another country. This bill will let them do that providing the respective agency approves. An example, is if a reserve police officer resides in Missoula Co. and he decides to move to Florence, which is in another county, by law, he would have to go to Hamilton and belong to their agency. This bill says they no longer have to do that as long as the sheriff or the head of the department and the law enforcement agency in Hamilton says it is okay for this reserve officer to stay in Missoula.

Proponents Testimony:

Mike McMeekin, Missoula Co. Sheriff's Dept., spoke in favor of SB 1. **EXHIBIT**(los04a01)

Greg Noose, Department of Justice, said by having the residency change addressed in this bill it would help in training sessions as they often go across county lines. Also by adding special service volunteers this would help search and rescue members, pilots, etc. in performing their jobs more satisfactorily.

Jim Smith, MT Sheriff and Peace Officers Assoc., stood in support of this bill.

Mike Batista, Department of Justice, said this bill provides benefits for smaller towns that do not have the resources found in larger towns. The definition of special officer could be an advantage for small towns that are involved in multi-jurisdictional incidents such as the Freeman incident etc.

{Tape : 1; Side : A; Approx. Time Counter : 3:40 p.m.}

Opponents Testimony: None

Questions from Committee Members and Responses:

SEN. J.D. LYNCH, asked if a person moves from Missoula Co. and still wanted to be a volunteer in Missoula, does he have to ask Hamilton if it is okay to work in Missoula? **Mike McMeekin** said this was put in as a matter of courtesy. There can be a wording change on this section. This would avoid any situation that one sheriff may be high-grading people from another county.

SEN. JOHN BOHLINGER asked why do we have in present law this residency requirement? **Mr. Noose** said to be a peace officer in Montana requires \$500 of training during an 11 week course conducted by the Law Enforcement Academy. They have an increasing number of volunteers and a number of agencies who use reserves to get law enforcement work done. Training for volunteers is only 88 hours and they are targeted more toward the needs of that jurisdiction. The original statute wanted that to be a local based program with the local sheriff. Therefore, they extended residency requirements.

SENATOR BILL GLASER said Section 2 doesn't read quite right and needs some work.

SENATOR CHRIS CHRISTIAENS asked what kind of training is involved in this 88 hours and will there have to be additional training if they are authorized to carry a weapon and the liability involved. **Mr. McMeekin** said only reserve officers have to go through the 88 hours and they have arrest power, whereas, special officers do not. Local government will be responsible for controlling the training and keeping track of their volunteers. This bill does not specify training because there is too many different types of volunteers.

SENATOR KEN MILLER asked that under Section 1 of the bill a reserve officer can move to a contiguous county or another county and if this correct. **SENATOR MAHLUM** said no, it is just contiguous or joining county. But it could be changed to "another" county.

SENATOR MILLER asked who pays for the training of reserve and special service officers. **Mr. McMeekin** said the local government for that jurisdiction pays for this. There is no hidden costs to the state or unfunded mandates for local governments.

SENATOR MILLER asked that if local governments fund this training and then the reserve officer moves away, do they have to ask for permission from the county they are leaving and is this the intention of the bill. **Mr. McMeekin** said no that is not the intent because the training is done by staff or other volunteers.

SENATOR DOROTHY ECK asked about Section 5 and what are the exceptions? **Mr. McMeekin** said this is to stay consistent to current statute. This bill is adding special service officers to be the same as auxiliary and peace officers.

CHAIRMAN MIKE SPRAGUE said this bill needs to be cleaned up and have some proper amendments added to the bill.

Closing by Sponsor:

SENATOR MAHLUM said this bill is something that communities can utilize. People can maintain their status with their local unit without having to leave their community, work ethics, or loyalties. He said they would work on Section 2 and get some proper amendments.

ADJOURNMENT

Adjournment: 3:56 P.M.

SEN. MIKE SPRAGUE, Chairman

JODI PAULEY, Secretary

MS/JP

EXHIBIT (los04aad)